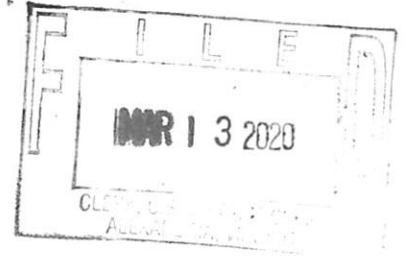


UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division



UNITED STATES OF AMERICA

v.

APISIT LEWIS

Case No. 1:20-mj- 108

UNDER SEAL

**AFFIDAVIT IN SUPPORT OF A COMPLAINT, ARREST WARRANT, AND
SEARCH WARRANT**

I, Michael T. Gruchacz, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent of the U.S. Department of Homeland Security, Homeland Security Investigations ("HSI") and am currently assigned to the Global Trade Investigations (GTI) Group in Washington, DC. I have 20 years of law enforcement experience to include being employed as a Police Officer with the Washington DC Metropolitan Police Department and as a Special Agent with the United States Department of State. I have knowledge of the laws and regulations relating to the illegal exportation and importation of weapons, technology, and other controlled commodities. I am empowered by law to investigate and make arrests for violations of federal law, including the unlawful importation and exportation of merchandise and contraband into and out of the United States.

2. Based upon your Affiant's training, experience, and discussions with other federal agents related to the investigation of international import-related and National Firearms Act ("NFA") violations, this Affiant is aware that suppressors, also known as silencers, vary by design and appearance, but all, when properly installed, will silence, muffle or diminish, the report of a

portable firearm. *See* 18 U.S.C. § 921(a)(24). Under federal law, a suppressor or silencer is a type of firearm. *See* 26 U.S.C. 5845(a)(7). The making of a suppressor must be approved in advance by the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”). To make a silencer, an individual must file an ATF Form 1, which is an application to make a firearm, pay a \$200.00 USD tax, and comply with all other provisions of the law prior to making the firearm. *See* ATF Form 1 (*available at*: <https://www.atf.gov/file/11281/download>). (*last accessed*: March 12, 2020). Approval of Form 1 results in the registration of the firearm and any subsequent transfers must be approved in advanced by the ATF. ATF Form 6 is required to import firearms into the United States. *See* ATF Form 6 (*available at*: <https://www.atf.gov/firearms/docs/form/form-6-part-1-application-and-permit-importation-firearms-ammunition-and/download>) (*last accessed*: March 12, 2020).

3. Your Affiant is aware of devices and items that can be modified to act as suppressors for firearms. One such device is known as a “solvent trap” or “fuel filter.” The intended purpose of these devices is to trap and hold cleaning fluids and there should not be a hole or index mark in these items. A “solvent trap” or “oil filter” in and of itself may have a legitimate purpose of catching excess cleaning fluids and is not a silencer until modified. However, these devices can be manufactured with the intent of repurposing them as silencers. For example, the device may be sold with index markings to indicate where a hole should be drilled and/or the device may be sold with “spacers” which act as baffles that prevent the spreading of sound. A sound suppressor typically includes a metal tube with several interior baffles that form expansion chambers for which the gases expelled from the end of the firearm enter the expansion chambers and exit the suppressor. Under Title 18, United States Code, Section 921 (a)(24), the “terms ‘firearm silencer’ and ‘firearm muffler’ mean any device for silencing, muffling, or diminishing the report of a

portable firearm, including any combination of parts, designed or redesigned, and intended for use in assembling or fabricating a firearm silencer or firearm muffler, and any part intended only for use in such assembly or fabrication.”

4. The facts set forth in this affidavit are based on information that I have obtained from my personal involvement in the investigation and from other law enforcement officers who have been involved in this investigation, on documents that I have reviewed, and on my training and experience.

5. This affidavit is made in support of a criminal complaint and arrest warrant charging Apisit Lewis (LEWIS) with violations of 18 U.S.C. § 545, smuggling goods into the United States; 26 U.S.C. § 5861(a, d, f, i, k), possession/manufacturing of unregistered firearms; 27 CFR 447.52, import restrictions applicable to certain countries (China); and 26 U.S.C. § 5844, illegal importation of a firearm. This affidavit is also being submitted for the limited purpose of an application for a warrant to search 12055 Bridle Post Pl, Manassas, VA, 20112 (hereinafter TARGET RESIDENCE) identified below, and to seize evidence, contraband, and instrumentalities of criminal activity that may be found therein. Because this affidavit is being submitted for these limited purposes, I have not set forth all of the information known to me concerning this investigation. Instead, I have set forth information that I believe to be sufficient to establish probable cause for this complaint and these warrants.

RELEVANT STATUTES

6. 18 U.S.C. § 545 provides that: “Whoever knowingly and willfully, with intent to defraud the United States, smuggles, or clandestinely introduces or attempts to smuggle or clandestinely introduce into the United States any merchandise which should have been invoiced, or makes out or passes, or attempts to pass, through the customhouse any false, forged, or fraudulent

invoice, or other document or paper; or whoever fraudulently or knowingly imports or brings into the United States, any merchandise contrary to law, or receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment, or sale of such merchandise after importation, knowing the same to have been imported or brought into the United States contrary to law shall be fined under this title or imprisoned not more than 20 years, or both.”

7. 26 U.S.C. § 5861(a) provides that it is unlawful to engage in business as a manufacturer or importer of, or dealer in, firearms without having paid the special (occupational) tax, subsection (d) provides that it shall be unlawful for any person to receive or possess a firearm which is not registered to him in the National Firearms Registry and Transfer Record, subsection (f) provides that it shall be unlawful for any person to make a firearm in violation of the provisions of this chapter, subsection (i) provides that it shall be unlawful for any person to receive or possess a firearm which is not identified by a serial number as required by this chapter, and subsection (k) provides that it shall be unlawful for any person to receive or possess a firearm which has been imported or brought into the United States in violation of Section 5844.

8. 26 U.S.C. § 5844 provides that no firearm shall be imported or brought into the United States or any territory under its control or jurisdiction unless the importer establishes, under regulations as may be prescribed by the Secretary of the Treasury, that the firearm to be imported or brought in is—

- (1) being imported or brought in for the use of the United States or any department, independent establishment, or agency thereof or any State or possession or any political subdivision thereof; or
- (2) being imported or brought in for scientific or research purposes; or
- (3) being imported or brought in solely for testing or use as a model by a registered manufacturer or solely for use as a sample by a registered importer or registered dealer.

9. 27 CFR § 447.21 contains the U.S. Munitions Import List. Under subsection (d) of the U.S. Munitions Import List, category I—firearms, the following defense articles, designated pursuant to section 38(a) of the Arms Export Control Act, 22 U.S.C. § 2778(a), and E.O. 13637, are subject to controls: *(d) Firearms silencers and suppressors, including flash suppressors.*

10. 27 CFR § 447.52 lists import restrictions applicable to certain countries. Under subsection (a), it is the policy of the United States to deny licenses and other approvals with respect to defense articles and defense services originating in certain countries or areas. This policy applies to countries or areas with respect to which the United States maintains an arms embargo, including China. It also applies when an import would not be in furtherance of world peace and the security and foreign policy of the United States.

11. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that violations of federal criminal laws have been committed: 18 U.S.C. § 545, smuggling goods into the United States; 26 U.S.C. § 5861(a, d, f, i, k), possession/manufacturing of unregistered firearms; 27 CFR 447.52, import restrictions applicable to certain countries (China); and 26 U.S.C. § 5844, illegal importation of a firearm.

DEFINITIONS

12. For the purpose of this affidavit, the following terms are defined:

- a) CONTROLLED DELIVERY – The technique of allowing illicit or suspect goods to pass out of, through, or into the United States under supervision of an authorized law enforcement officer, with the goal of identifying persons involved in criminal activity.
- b) CUSTOMS DECLARATION – A hard copy or electronic form on which is “declared” or listed, the details of any goods that are being imported or exported

to/from the United States, whether by means of commercial shipments or in-person. Mailing goods into or out of the United States also requires the sending party to complete a customs declaration form.

- c) FIREARM – The term “firearm” means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device (Title 18, United States Code, Section 921(a)(3)).
- d) FIREARM SILENCER or FIREARM MUFFLER – The terms “firearm silencer” and “firearm muffler” mean any device for silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and intended for use in assembling or fabricating a firearm silencer or firearm muffler, and any part intended only for use in such assembly or fabrication (Title 18, United States Code, Section 921(a)(24)). According to information received from ATF, legitimate solvent traps are devices attached to the muzzle of a firearm barrel designed to catch or “trap” dirty cleaning solvent pushed through the barrel from the chamber end and out through the muzzle. Solvent traps are intended to prevent solvent from dripping, spraying, or spattering when pushed out the muzzle end of a firearm barrel. **The front end-cap of a solvent trap/fuel filter must be solid and have no hole that will allow a projectile to pass through (including “pilot” holes that can be widened to allow a projectile to pass-through or marks indicating the location to drill such a hole). Devices that have a hole in or**

indexing mark for a hole in the front end-cap are classified as a “firearm silencer” under the National Firearms Act (NFA). See ATF Firearms & Ammunition Technology Division, Technical Bulletin 20-01 (Oct. 30, 2019).

- e) SMUGGLING – Fraudulently or knowingly importing or bringing into the United States, any merchandise contrary to law, or receiving, concealing, buying, selling, or in any manner facilitating the transportation, concealment, or sale of such merchandise after importation, knowing the same to have been imported or brought into the United States contrary to law (Title 18, United States Code, Section 545).
- f) MERCHANDISE and GOODS – Interchangeable terms both describing anything that can be imported or exported from the United States.
- g) EXTENDED BORDER SEARCH – This is an extension of a customs officer’s authority to conduct warrantless searches of people, cargo, and means of transport, including mail, for unlawfully imported or exported goods at the borders of the United States. The extension pertains to searches away from the border where there is reasonable certainty a border was crossed, reasonable certainty that no change in the object of the search has occurred from the time a border was crossed and the time of the search, and reasonable suspicion criminal activity is occurring.

SUBJECT OF INVESTIGATION

13. Apisit Lewis (LEWIS) was born in Thailand and became a naturalized U.S. Citizen in 1986. He resides in Manassas, Virginia and is employed in a position of trust in the United States Army. He holds a Top Secret/SCI clearance. LEWIS purchased 12055 Bridle Post Pl, Manassas, VA, 20112 (TARGET RESIDENCE) in and around July 2017. He also owns a residence at 108 Fanwood Drive, West End, NC.

STATEMENT OF FACTS AND PROBABLE CAUSE

14. Since in and around October 2019, HSI has been investigating certain unlawful importations of firearms and related controlled components into the United States, specifically, those originating from sources in China and elsewhere. According to the ATF, recently there has been an influx of counterfeit or non-regulated suppressors entering the United States via foreign sources. ATF has encountered these suppressors and partnered with HSI and Customs and Border Protection (“CBP”) to combat the flow of these suppressors into the United States. Since this operation has commenced, there have been over 7,000 of these devices seized at the U.S. Ports of Entry and during investigative controlled deliveries targeting individuals who received the items contrary to law.

15. Based on my training and experience, inline filters, fuel filters, solvent traps as well as other descriptions of devices coming from China are marketed as being used in vehicles as fuel filters as well as screwed onto the end of a barrel to “catch” cleaning solvents. During this investigation I have encountered several types of these devices that I believe are being converted into silencers. Monolithic core devices which consist of a one piece core surrounded by a metal sleeve, stacked baffle device, which has several metal pieces stacked inside of a tube that can be custom cut depending on the need of the user and K baffles, which are similar to stacked baffles

but have a more cone shape baffle inside of the metal tube. A sound suppressor typically includes a metal tube with several interior baffles that form expansion chambers from which the gases expelled from the end of the firearm enter the expansion chambers and exit the suppressor. Based on analysis of previous seizures, I believe that a stacked baffle and K baffle silencer weighs approximately .13 KG-.18 KG and a monolithic silencer weighs approximately .25 KG.

16. On December 7, 2019, HSI Global Trade Investigations received information from HSI Headquarters Trade and Transparency Group regarding LEWIS, a resident of Manassas, Virginia who was the recipient of a seized package containing what appeared to be a firearm silencer. The parcel was addressed to Apisit LEWIS at 12055 Bridle Post Pl, Manassas, Virginia 20112 (TARGET RESIDENCE). The package contained one monolithic core silencer device that was manifested as a fuel filter. Upon further inspection, the device was found to have an end cap that could be screwed on with an index mark indicating where to drill for various sized holes. The seized device was fully drilled through and in my opinion would function as a silencer without the end cap. *See Attachment C.*

17. On December 22, 2019, a CBP Officer at the JFK mail branch seized a parcel (TRACKING #: LW222704687CN) destined for LEWIS at TARGET RESIDENCE. Upon inspection the parcel was found to contain four (4) silencers from China. The parcel was manifested as a "Bicycle Tool." (All of the other packages listed below were sent to LEWIS from China).

18. I conducted additional research on packages that LEWIS imported from China via DHS databases. Data shows that LEWIS had already received packages believed to contain firearm suppressors that are manifested as "Fuel Filter and Fuel Filter Solvent Trap." Based on the above listed seizures and concealment/mislabeled methods, I believe that the devices he

already received were in fact silencers.

19. Additionally, a parcel (TRACKING #: LW237857287CN) was shipped on December 3, 2019, by HONGMEI SONG and was manifested as a “car purifier.” The package weighed 1.296 KG and contained four items. Another parcel (TRACKING #: LW222704687CN) was shipped on November 30, 2019, by CHEN SHIHAO and manifested as a “car fuel filter.” The package weighed .954 KG and contained four items. Another parcel (TRACKING #: LW898483117CN) was shipped on November 29, 2019, by ZUO SI HAN, and manifested as a “fuel filter.” The package weighed .404 KG and contained two items.

20. Further, a parcel (TRACKING #: 8491481402) was shipped to LEWIS on October 4, 2019, by LI KAIJUN and was manifested as “11pcs aluminum fuel filter.” The package weighed .97 KG and was manifested as containing one item. Based on the weight of the package more than one item was probably inside the package.

21. Another parcel (TRACKING #: 8478150234) was shipped to LEWIS on September 28, 2019, by SONG SHIYAN and was manifested as “14pcs fuel filter.” The package weighed .47 KG and was manifested as containing one item. Based on the weight of the package more than one item was probably inside the package.

22. A parcel (TRACKING #: 8250035291) was shipped to LEWIS on August 21, 2019, by MA YUE, and was manifested as “1pcs aluminum car fuel filter solvent trap.” The package weighed .97 KG and was manifested as containing one item. Based on the weight of the package more than one item was probably inside the package.

23. A parcel (TRACKING #: 8235545194) was shipped to LEWIS on August 15, 2019, by HUANG HUILI, and was manifested as “13pcs aluminum fuel solvent trap.” The package weighed .61 KG and was manifested as containing one item. Based on the weight of the package

more than one item was probably inside the package.

24. A parcel (TRACKING #: 7832039687) was shipped to LEWIS on February 26, 2019, by SHANHAI SHU YING, and was manifested as “Steady Rest.” Based on my training and experience, I know these items are used to support metal tubing while turning thread in the metal item such as firearms barrels.

25. A parcel (TRACKING #: LW690130325CN) was seized on October 5, 2019, at the International Mail Facility at JFK Airport that was shipped from Jim JIANG, Hualijia Electronic Market Shenzhen, Guangdong China to LEWIS at the TARGET RESIDENCE. The package was manifested as a “fuel filter” and weighed .25 KG. The package contained a monolithic core silencer with index holes present.

26. Another parcel (TRACKING #: 8591258778) was shipped to LEWIS on August 15, 2019, by HENGBEN, and was manifested as “auto engine parts.” The package weighed 1.293 KG and was manifested as containing six items.

27. Two parcels (TRACKING #: 8488233114 and TRACKING #: 8487406008), were shipped to LEWIS on October 2 and 3, 2019, by LI KAIJUN, and were manifested as “filter6.” The packages each weighed .96 KG and were manifested as containing one item. Based on the weight of the packages more than one item was probably inside each package.

28. A parcel (TRACKING #: 8474977239) was shipped to LEWIS on September 27, 2019, by SONG SHIYAN, and was manifested as a “filter.” The package weighed .40 KG and was manifested as containing one item. Based on the weight of the package more than one item was probably inside the package.

29. A parcel (TRACKING #: 8248190034) was shipped to LEWIS on August 20, 2019, by MA YUE, and was manifested as “toy car filter.” The package weighed .67 KG and was

manifested as containing one item. Based on the weight of the package more than one item was probably inside the package.

30. A parcel (TRACKING #: 8234547002) was shipped to LEWIS on August 14, 2019, by HUANG HUILI, and was manifested as containing a "filter." The package weighed .6 KG and was manifested as containing one item. Based on the weight of the package more than one item was probably inside the package.

31. A parcel (TRACKING #: 7477397234) was shipped to LEWIS on November 21, 2018, by EBAY CHINA, and was manifested as containing "8 PCS D CELL STORAGE CUPS." The package weighed .22 KG and was manifested as containing one item.

32. Based on the calculated weights of the packages, I believe that LEWIS was sent approximately 44 silencers. LEWIS is not a mechanic and surveillance of his property does not indicate he does mechanical work on cars. If LEWIS were using the devices as legitimate gun cleaning tools, he would not need the number of items he has ordered. Further, LEWIS is buying firearms with threaded barrels. Threaded barrels are required to attach silencer devices. For these reasons, I believe the sole reason LEWIS possesses these devices is for use as silencers. I have also read technical exam reports conducted by the ATF on other similar silencers sent to their lab and their findings were that the threads on these devices (1/2 X 28 threads and 5/8 X 24 threads) are not found in any fuel system. However, 1/2 X 28 threads and 5/8 X 24 threads are the most common threads on firearm barrels. Also, the monolithic core silencer with index holes present that was in the package that I seized, as described in paragraph 25, did not have any gaskets or filters with it, so the intended purpose was not to filter anything.

33. On December 18, 2019, HSI DC submitted a license determination from ATF via Exodus Command Center and it was determined that no federal firearms licenses, registered

National Firearms Act weapons, or Form 6 import application/permits were applied for or received by LEWIS.

FIREARM PURCHASES

34. On December 18, 2019, HSI DC requested a list of firearm purchases by LEWIS in the past 12 months. On January 8, 2020, I reviewed purchase orders and ATF form 4473s for several gun buys made by LEWIS. All of the silencer purchases were made contemporaneous to a firearm purchase as detailed above in the identified shipments.

35. On January 19, 2019, LEWIS purchased a Ruger, model Mark IV, .22 caliber pistol, bearing serial number 500075234, from the Marine Base Exchange at Quantico, located at Russel Road, Quantico, Virginia.

36. On August 16, 2019, LEWIS purchased a Ruger, model Mark IV, .22 caliber pistol, bearing serial number 500054105, and a Marlin, model 25N, .22 caliber rifle, bearing serial number 99377061, from Green Top, located at 10150 Lakeridge Parkway, Ashland, Virginia. A Visa credit card ending in 073 was used for this purchase.

37. The following firearms were purchased from or transferred to All Shooters Tactical, Inc, located in Woodbridge, Virginia. On October 4, 2019, LEWIS purchased a Glock, model 43, 9mm pistol, bearing serial number BMCC924. I have reviewed email transactions sent to and from LEWISAPISIT@HOTMAIL.COM requesting the transfer of the Glock from Omaha Outdoors, located in Nebraska, to All Shooters Tactical. On September 27, 2019, LEWIS purchased a Marlin, model XT-22, .22 caliber rifle, bearing serial number RB37731A.

38. On September 22, 2019, LEWIS purchased a Ruger, model American, .22LR caliber rifle, bearing serial number 834-82430. On September 17, 2019, LEWIS purchased a Savage, model Mark II, .22 LR caliber rifle, bearing serial number 3348457. Email transactions

were reviewed regarding this transaction between All Shooters Tactical and email account LEWISAPISIT@HOTMAIL.COM. In the email, LEWIS inquired about All Shooters Tactical's ability to transfer the weapon from Buds Gun Shop, an online retailer. The item purchased also indicates that the firearm has a threaded barrel. As mentioned above, threaded barrels are required to attach silencer devices.

39. On August 20, 2019, LEWIS purchased a Sig Sauer, model P320, 9mm pistol, bearing serial number M17-110662. LEWIS made this purchase as part of the Military/First Responder program and used his Military ID as proof that he is serving full time in the United States Army.

40. On July 22, 2019, LEWIS purchased a Glock, model 48, 9mm pistol, bearing serial number BKMU102. LEWIS made this purchase as part of the Military/First Responder program and used his Military ID as proof that he is serving full time in the United States Army. These firearm purchases do not necessarily reflect all of LEWIS' firearm purchases because firearm purchase records are only available going back 12 months.

41. A further review of imports to LEWIS indicate that he purchased additional items which could be used to manufacture silencers and afix them to firearms. For example, in July and November 2018, LEWIS purchased a lathe alignment bar, a "tool," and a "chuck." In February 2019, he purchased a "steady rest." I believe these items are used to assist with threading and drilling filters to convert them into silencers.

ADDITIONAL SEIZURES

42. Based on specific business targeting of known shippers of these silencers, Homeland Security Investigations and CBP have been able to seize numerous additional packages containing silencers destined for LEWIS at the TARGET RESIDENCE. In total, 17 silencers have

been seized that were destined for LEWIS at the TARGET RESIDENCE .

43. On January 29, 2020, I seized a parcel that was sent from China to LEWIS. The package (Tracking #: LS219404546CN) was manifested as "Car fuel filter 5/8-24 Black" and was wrapped in black plastic. The size, weight, and shape of the package were the same as the previously seized packages. Based on the fact that the package was coming from a foreign country and was still in its original unopened state, I conducted an extended border search at the mail distribution facility in Manassas, VA. The package contained four stacked baffle silencers with index marks for drilling.

44. On January 13, 2020, CBP seized a parcel (Tracking #: LN237857287CN) at the International Mail Facility at JFK Airport. The package was manifested as "car purifier." The package contained four stacked baffle silencers with index marks for drilling.

45. On February 8, 2020, CBP seized a parcel (Tracking #: LW898483117CN) at the International Mail Facility at San Francisco International Airport. The package was manifested as "fuel filter." The package contained two monolithic core silencers with index marks for drilling. The core was completely hollow, allowing a projectile to pass through it.

46. On February 9, 2020, CBP seized a parcel (Tracking #: LW467636007CN) at the International Mail Facility at San Francisco International Airport. The package was manifested as "fuel filter." The package contained two monolithic core silencers with index marks for drilling. The core was completely hollow, allowing a projectile to pass through it.

MAIL COVER EVIDENCE

47. From January 6, 2020, to February 4, 2020, with the assistance of the United States Postal Inspection Service, I monitored mail parcels that were sent to LEWIS at the TARGET RESIDENCE. I was notified of the parcels after delivery had occurred.

48. On January 13, 2020, a parcel (Tracking #: LW384997541CN) was sent from China to LEWIS. The parcel was wrapped in plastic, had a similar size weight and shape as the previously seized parcels, and was delivered to the TARGET RESIDENCE. I believe that this parcel contained two silencers based on its shape.

49. On January 29, 2020, a parcel (Tracking #: LW459320561CN) was sent from China to LEWIS. The parcel was wrapped in plastic, had a similar size weight and shape as the previously seized parcels, and was delivered to the TARGET RESIDENCE. I believe that this parcel contained two silencers based on its shape.

ONLINE PURCHASES

50. I have reviewed purchase histories from companies from which LEWIS purchased firearm parts and accessories, including MIDWAY, USA, Bear Creek Arsenal, Brownell's, Greentop, Mid-South Shooting Supply, Surplus Ammo, and Omaha Outdoors. From in and around January 2018 to in and around October 2019, LEWIS purchased items consistent with the use of silencers, such as threaded barrels, subsonic ammunition from various manufacturers, and American Eagle suppressor ammunition.

EVIDENCE FOUND IN EMAIL ACCOUNTS

51. On January 16, 2020, I obtained a search warrant issued by the Honorable John F. Anderson for LEWISAPISIT@HOTMAIL.COM, a personal email account associated with LEWIS. LEWIS' email account had numerous photos of assault rifles and bolt action rifles with silencers attached to them. It also had photos of what appears to be a gun smith room with two large gray gun vaults and a two-level wooden table. The photos of the silenced firearms and gun smith room were sent from LEWISAPISIT@HOTMAIL.COM to LEWIS' military email account.

52. I looked at realtor listing photos on Zillow for the residence LEWIS owned in West End, NC and found photos of the table and the large gray vaults described above. *See* Zillow listing (*available at*: https://www.zillow.com/homedetails/108-Fawnwood-Dr-West-End-NC-27376/217441107_zpid/) (*last accessed*: March 12, 2020). The same table appears in a photo, in LEWIS' email account in what appears to be the basement of the TARGET RESIDENCE. The flooring, wall color, and basement door placement are consistent with the TARGET RESIDENCE photos posted on Zillow from the sale of the home to LEWIS in 2017. *See* Zillow listing (*available at*: https://www.zillow.com/homedetails/12055-Bridle-Post-Pl-Manassas-VA-20112/51999927_zpid/) (*last accessed*: March 12, 2020). The photo of the gun table and gray safes contained in his email account were also geo-located through a forensic specialist, to Manassas, VA on or about September 2, 2017.

53. Photos that were taken in and around January and February 2019 of assault rifles with silencers attached appear to be of the same tile, paint color, and base molding as the photos in the Zillow photos. There is also a receipt from Miller Toyota in LEWIS' email account dated February 8, 2019, listing the TARGET RESIDENCE and LEWIS in the customer information block. Two specific photos of firearms (seen below in attachment C) were taken on January 12, 2019. Further evidence leading me to believe that this is the TARGET RESIDENCE is the fact that on January 7, 9, and 14, 2019, LEWIS had Amazon packages delivered to the target residence. Another photo depicted below was taken on or about February 1, 2019. I believe that photo and firearm are inside of the TARGET RESIDENCE because LEWIS had four AMAZON packages delivered this day to the TARGET RESIDENCE. I have confirmed that LEWIS was in the United States during this time frame, through DHS travel records.

REQUEST FOR TIME EXCEPTION FOR ARREST WARRANT

54. Based on surveillance of LEWIS, I know that he leaves the TARGET RESIDENCE for his daily commute at approximately 5 a.m. For example, LEWIS left for work at approximately 5 a.m. on March 10, 2020. In order to arrest LEWIS at the TARGET RESIDENCE, rather than at his place of employment which is associated with the United States Army, it is respectfully requested that the arrest warrant allow LEWIS to be arrested beginning at 5 a.m., rather than 6 a.m.

REQUEST FOR SEALING

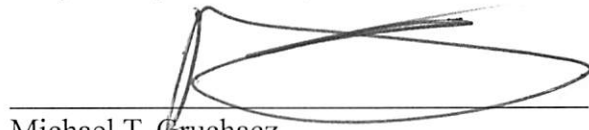
55. It is respectfully requested that this Court issue an order sealing, until LEWIS is arraigned, all papers submitted in support of this application for a complaint, arrest warrant, and search warrant, including this affidavit, the applications, and the warrants themselves. Your Affiant submits that the requested sealing is necessary because the information and items to be disclosed and seized are relevant to an ongoing investigation into the criminal activities described herein. Based upon my training and experience, your Affiant has learned that criminals actively search the Internet for criminal complaints, arrest warrants, search warrants, and affidavits, and disseminate them to other criminals as they deem appropriate, such as by posting them publicly online. Premature disclosure of the contents of this affidavit and related documents may compromise this ongoing investigation by, among other things, causing the subject to flee and the suspect to destroy or alter evidence.

CONCLUSION

56. Based on the following, I believe that there is probable cause for a complaint and arrest warrant for LEWIS for crimes related to violations of 18 U.S.C. § 545, smuggling goods into the United States; 26 U.S.C. § 5861(a, d, f, i, k), possession/manufacturing of unregistered firearms; 27 CFR 447.52, import restrictions applicable to certain countries

(China); and 26 U.S.C. § 5844, illegal importation of a firearm. Additionally, based on the same information, your Affiant believes there is probable cause to obtain a search warrant for the premises described in attachment A for crimes related to violations of 18 U.S.C. § 545, smuggling goods into the United States; 26 U.S.C. § 5861(a, d, f, i, k), possession/manufacturing of unregistered firearms; 27 CFR 447.52, import restrictions applicable to certain countries (China); and 26 U.S.C. § 5844, illegal importation of a firearm. I believe that a search of the TARGET RESIDENCE will yield fruits and instrumentalities of a crime as described in attachment B.

Respectfully submitted,



Michael T. Gruchacz
Special Agent, Homeland Security Investigations

Subscribed and sworn to before me on March 13, 2020



/s/
Theresa Carroll Buchanan
United States Magistrate Judge

The Honorable Theresa C. Buchanan
United States Magistrate Judge

ATTACHMENT A

PREMISES TO BE SEARCHED

12055 Bridle Post Place, Manassas, VA is a two-story house with a brick facade in the front, dark colored shutters and front door. 12055 is clearly posted on a piece of white colored material below the front left stoop light.



ATTACHMENT B

The items to be searched for and seized are as follows:

1. Evidence, fruits, and instrumentalities of violations of: 18 U.S.C. § 545, smuggling goods into the United States; 26 U.S.C. § 5861(a, d, f, i, k), possession/manufacturing of unregistered firearms; 27 CFR 447.52, import restrictions applicable to certain countries (China); and 26 U.S.C. § 5844, illegal importation of a firearm.
2. Any and all records including financial information, including tax returns and Internal Revenue Service filings, and any work papers related thereto; bank, credit or securities account statements, applications, deposit tickets, receipts, canceled checks, cashier checks, money orders, wire transfer records, debit/credit memos; financial ledgers, journals, investment records, real estate records, other records of assets; records of or related to contributions, grants or disbursements made or received, and/or allocations; loan records, financial statements, audit work papers, audit reports (or correspondence, transmittals or document related to any of the foregoing) related to the conspiracy.
3. Records, receipts, and document pertaining to travel between the United States and other countries and travel within the United States.
4. Records, receipts, and documents pertaining to the transfer of money to, from, and within the United States.
5. Any and all immigration documents, passports, visas, and documents that could be submitted in behalf of an application for a visa, travel documents, United States and foreign identification documents, identity cards issued by any foreign government, travel records including itineraries and receipt stubs, and airline tickets.

6. Diaries, organizers, day planners, appointment books, telephone message pads, address books and the like.

7. All identification documents reflecting the use of an alias, fictitious, or nominee name, including passports, Social Security cards, immigration papers (to include but not limited to green cards, work permits, visa) drivers license (domestic or foreign), and state identification cards (domestic or foreign).

8. All electronic storage devices and disks, input/output peripheral devices, related software, documentation, and data security devices (including passwords) necessary to ensure the reliable analysis and retrieval of the foregoing electronic and tangible objects by a qualified expert, including any and all cellular telephones.

9. Computers and computer hardware, meaning any and all computer equipment including any electronic, magnetic, optical, or similar computer impulses or data, network equipment and peripherals, the software to operate them, and any data processing hardware.

10. Any and all information and/or data stored in the form of magnetic, digital, or electronic coding on computer media or on media capable of being read by a computer or with the aid of computer related equipment. This media includes but is not limited to floppy diskettes, fixed hard disks, removable hard disk cartridges, tapes, laser disks, videocassettes, and any other media, which is capable of storing magnetic coding.

11. Any and all electronic devices which are capable of analyzing, creating, displaying, converting, or transmitting electronic or magnetic computer impulses or data. These devices include but are not limited to computers, computer components, computer peripherals, word processing equipment, modems, monitors, printers, plotters, encryption circuit boards, optical scanners, external hard drives, and other computer related electronic devices.

12. Any and all instructions or programs stored in the form of electronic or magnetic media, which are capable of being interpreted by a computer, or related components. The items to be seized could include but would not be limited to operating systems, application software, utility programs, compilers, interpreters, and any other programs or software used to communicate with computer programs or software used to communicate with computer hardware or peripherals either directly or indirectly via telephone lines, DSL lines, cable lines, radio or other means of transmission.

13. Any and all written or printed material which provides instructions or examples concerning the operation of a computer system, computer software, and/or any related device.

14. Any and all firearms, firearms components, silencers, suppressors, bills of sale related to firearms and components and any and all paperwork related to the purchase, transfer, mailing or otherwise of firearms.

ATTACHMENT C

Photo taken from iPhone on January 12, 2019



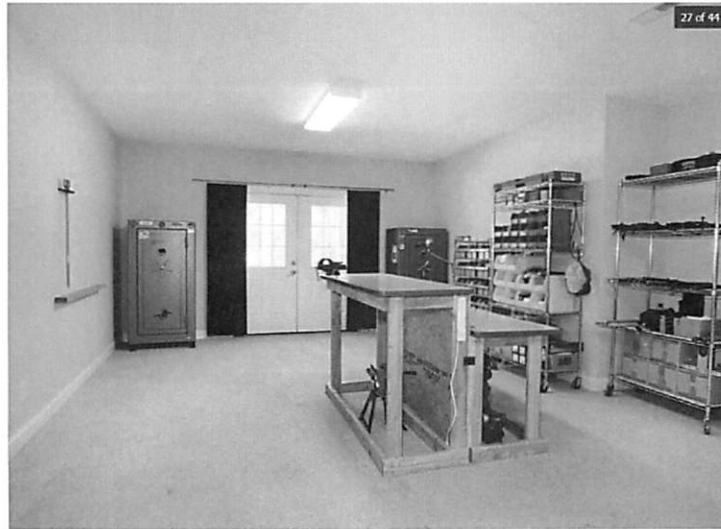
Photo taken from iPhone on January 12, 2019



Photo taken on February 1, 2019



Gun table and safes at North Carolina Residence From MLS listing



GUN TABLE AND SAFES AT TARGET RESIDENCE

Photo taken September 2, 2017-Suspected TARGET RESIDENCE basement-Photo geo-located in Manassas, VA



SEIZED SILENCER PICS



